

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DESHA M. CARTER,

1:05-cv-00211-OWW-DLB-P

Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION** (Doc. 32)

vs.

ADKINSON, et al.,

**ORDER DENYING [PRE-DISCOVERY]
MOTION FOR SUMMARY JUDGMENT**
(Doc. 14)

Defendants.

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Plaintiff, Desha M. Carter ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On February 22, 2006, the Magistrate Judge filed Findings and Recommendation herein which were served on plaintiff and which contained notice to plaintiff that any objections to the Findings and Recommendation were to be filed within fifteen (15) days. To date, plaintiff has not filed objections to the Magistrate Judge's Findings and Recommendation.

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1 In accordance with the provisions of 28 U.S.C.
2 § 636(b) (1) (C) and Local Rule 73-305, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendation to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendation, filed February 22,
8 2006, are ADOPTED IN FULL; and,

9 2. Plaintiff's motion for [pre-discovery] summary
10 judgment, filed August 12, 2005, is DENIED, without prejudice to
11 refiling at a later date, after the parties have had the
12 opportunity to conduct discovery.

13 IT IS SO ORDERED.

14 Dated: March 28, 2006
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/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE